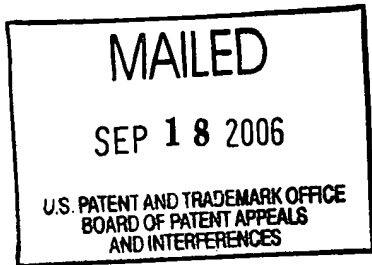


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte DALE K. BELL

Application 09/981,238

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 21, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

A review of the file indicates that the appellants filed the Appeal Brief of November 1, 2005 using the format set forth in 37 CFR § 41.37(c). However, the Appeal Brief filed on November 1, 2005 does not comply with 37 CFR 41.37(c), because it is missing the following sections;

Application 09/981,238

- 1) "Evidence Appendix", as set forth in 37 CFR § 41.37(c)(1)(ix); and
- 2) "Related Proceedings Appendix", as set forth in 37 CFR § 41.37(c)(1)(x).

A Supplemental Appeal Brief that is in compliance with § 41.37(c) is required.

For more information See United States Patent and Trademark website

www.uspto.gov, in particular the web page entitled More Information on the Rules of Practice Before the BPAI, Final rule at:

<http://www.uspto.gov/web/offices/dcom/bpai/fr2004/moreinfo.html>.

Further, an Information Disclosure Statement (IDS) was filed August 18, 2006. It is not apparent from the record that the examiner considered the statement submitted nor notified applicants of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.


Accordingly, it is

ORDERED that the application is being electronically returned to the Examiner to file a Supplemental Appeal Brief that is in compliance with § 41.37(c),

Application 09/981,238

for consideration of the Information Disclosure Statement, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By 
DALE M. SHAW
Deputy Chief Appeals Administrator
(571) 272-9797

GJH

cc: CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009